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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,859	08/23/2001	Masahiko Enari	450100-03421	9497

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EXAMINER
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REFAI, RAMSEY

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/935,859	ENARI, MASAHIKO	
	Examiner	Art Unit	
	Ramsey Refai	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

Responsive to Amendment received November 18, 2005. Claims 1-5 have been amended and remain pending examination.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims have been amended to now include supporting a preview of the retrieved content, however, no support for this new limitation has been found in the Applicant's specification.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Rautila (U.S. Patent No. 6,714,797).

5. As per claim 1, Rautila teaches an electronic content providing method for performing electronic content provision to a user by using a remote user terminal and an information terminal in a store, said electronic content providing method comprising the steps of:

accessing a menu of available electronic contents using said remote user terminal  
**(column 6, lines 2-7);**

acquiring an identification code for identifying an electronic content which is retrieved from among the available electronic contents by using said user terminal linked via a network to a server in which the available electronic contents are recorded **(column 6, lines 35-40, column 8, lines 31-37);**

supporting a preview of the retrieved electronic content **(column 4, lines 14-40, Fig 7, elements 780, 790);** and

supporting the downloading of the retrieved electronic content to a recording medium by inputting the identification code to said information terminal **(column 6, lines 5-60, column 8, lines 25-45).**

6. As per claim 2, Rautila teaches an electronic content providing method for performing electronic content provision to a user by using a remote user terminal and an information terminal in a store, said electronic content providing method comprising the steps of:

accessing a menu of available electronic contents using said remote user terminal  
**(column 6, lines 2-7);;**

downloading, to a portable recording medium, an identification code for identifying an electronic content which is retrieved from among the available electronic contents by using said user terminal linked via a network to a server in which the available electronic contents are recorded **(column 6, lines 35-40, column 8, lines 31-37);**

supporting a preview of the retrieved electronic content **(column 4, lines 14-40, Fig 7, elements 780, 790);** and

supporting the downloading of the retrieved electronic content to the recording medium by supplying the identification code from the recording medium to said information terminal **(column 6, lines 5-60, column 8, lines 25-45).**

7. As per claim 3, Rautila teaches an electronic content providing method for performing electronic content provision to a user by using a remote user terminal and an information terminal in a store, said electronic content providing method comprising the steps of:

accessing a menu of available electronic contents using said remote user terminal  
**(column 6, lines 2-7);**

retrieving a content from the available of electronic contents by using said user terminal linked via a network to a server in which the available electronic contents are recorded;  
downloading an identification code for identifying the retrieved electronic content **(column 6, lines 35-40, column 8, lines 31-37);**

verifying the retrieved electronic content by inputting the downloaded identification code to said information terminal (**column 6, lines 5-60, column 8, lines 25-45**);

supporting a preview of the retrieved electronic content (**column 4, lines 14-40, Fig 7, elements 780, 790**); and

downloading the retrieved electronic content to a recording medium loaded into said information terminal (**column 6, lines 5-60, column 8, lines 25-45**).

8. As per claim 4, Rautila teaches an electronic content providing method for performing electronic content provision to a user by using a remote user terminal and a store terminal in a store, said electronic content providing method comprising the steps of:

accessing a menu of available electronic contents using said remote user terminal (**column 6, lines 2-7**);;

acquiring an identification code for identifying an electronic content which is retrieved from the available electronic contents by using said user terminal to access via a network a server in which the available electronic contents are recorded (**column 6, lines 35-40, column 8, lines 31-37**);

inputting the identification code to said store terminal (**column 6, lines 5-60, column 8, lines 25-45**); and

supporting a preview of the retrieved electronic content (**column 4, lines 14-40, Fig 7, elements 780, 790**); and

supporting the purchase of the electronic content corresponding to the identification code (**column 6, lines 5-60, column 8, lines 25-45**).

9. As per claim 5, Rautila teaches an electronic content providing method for performing electronic content provision to a user by using a remote user terminal and a store terminal which is installed in a store and which is linked via broadband link to a server in which a plurality of electronic contents are recorded, said electronic content providing method comprising the steps of:

accessing a menu of electronic contents using said remote user terminal (**column 6, lines 2-7**);

acquiring an identification code for identifying an electronic content which is retrieved from the electronic contents by using said user terminal linked via a narrowband link to said server (**column 6, lines 35-40, column 8, lines 31-37**);

supporting a preview of the retrieved electronic content (**column 4, lines 14-40, Fig 7, elements 780, 790**); and

supporting the purchase of the electronic content corresponding to the identification code by inputting the identification code to said store terminal (**column 6, lines 5-60, column 8, lines 25-45**).

#### ***Response to Arguments***

10. Applicant's arguments have been fully considered but they are not persuasive.

- In the remarks, the Applicant argues in substance that Rautila fails to teach supporting a preview of the retrieved content.
- In response, the Examiner respectfully disagrees. Rautila teaches that a user can browse the electronic content title on the electronic shop web page using a mobile station which

can be an Hypertext Markup Language (HTML) capable cellular phone or an HTML capable laptop computer. Therefore Rautila meets the scope of the claimed limitation. (column 4, lines 14-40, Fig 7, elements 780, 790).

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

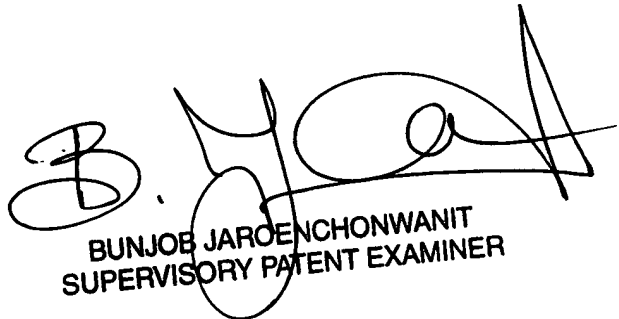
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Refai  
Examiner  
Art Unit 2152

RR  
February 15, 2006

  
BUNJOB JAROENCHONWANIT  
SUPERVISORY PATENT EXAMINER